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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**GINA M. JAMROZY
P O Box 313
Fairfax, CA 94978**

Registered Nurse License No. 602734

RESPONDENT

Case No. 2012-572

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 26, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-572 against Gina M. Jamrozy (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about July 26, 2002, the Board of Registered Nursing (Board) issued Registered Nurse License No. 602734 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on April 30, 2012 and has not been renewed.

3. On or about March 26, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-572, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

P O Box 313

Fairfax, CA 94978.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about May 30, 2012, Respondent signed and returned a Notice of Defense,
5 requesting a hearing in this matter. On or about August 31, 2012, Respondent withdrew her
6 Notice of Defense via e-mail.

7 6. Business and Professions Code section 2764 states:

8 The lapsing or suspension of a license by operation of law or by order or decision of
9 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
10 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
11 against such license, or to render a decision suspending or revoking such license.

12 7. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
14 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
15 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
16 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

17 8. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
19 agency may take action based upon the respondent's express admissions or upon other evidence
20 and affidavits may be used as evidence without any notice to respondent.

21 9. Pursuant to its authority under Government Code section 11520, the Board after
22 having reviewed the proof of service dated March 26, 2012, signed by Kami Pratab, finds
23 Respondent is in default. The Board will take action without further hearing and, based on
24 Accusation No. 2012-572 and the documents contained in Default Decision Investigatory
25 Evidence Packet in this matter which includes:

26 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2012-572,
27 Statement to Respondent, Notice of Defense (two blank copies), Request
28 for Discovery and Discovery Statutes (Government Code sections

11507.5, 11507.6 and 11507.7), proof of service,, mail receipt Notice of
Defense, Withdrawal of Notice of Defense (e-mail);

Exhibit 2: License History Certification for Gina M. Jamrozy, Registered Nurse
License No. 602734;

Exhibit 3: Affidavit of Lee Adamson;

Exhibit 4: Certification of costs by Board for investigation and enforcement in Case
No. 2012-572;

Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of
Case No. 2012-572.

The Board finds that the charges and allegations in Accusation No. 2012-572 are separately and
severally true and correct by clear and convincing evidence.

10. Taking official notice of Certification of Board Costs and the Declaration of Costs by
the Office of the Attorney General contained in the Default Decision Investigatory Evidence
Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that
the reasonable costs for Investigation and Enforcement in connection with the Accusation are
\$8,178.00 as of October 3, 2012.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Gina M. Jamrozy has subjected
3 her following license(s) to discipline:

4 a. Registered Nurse License No. 602734

5 2. The agency has jurisdiction to adjudicate this case by default.

6 3. The Board of Registered Nursing is authorized to revoke Respondent's license(s)
7 based upon the following violations alleged in the Accusation, which are supported by the
8 evidence contained in the Default Decision Investigatory Evidence Packet in this case.

9 a. Violation of Business and Professions Code section 2761(a) - Unprofessional
10 Conduct.

11 b. Violation of Business and Professions Code section 2762(b) - Use of controlled
12 substance or alcohol to an extent or in a manner dangerous or injurious to
13 oneself and others.

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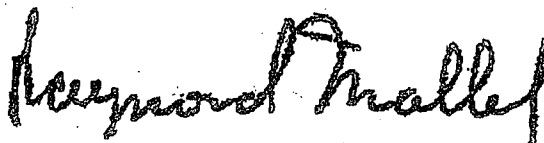
ORDER

IT IS SO ORDERED that Registered Nurse License No. 602734, heretofore issued to Respondent Gina M. Jamrozy, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 14, 2013.

It is so ORDERED December 14, 2012



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2012-572

Exhibit A

Accusation No. 2012-572

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JONATHAN D. COOPER
Deputy Attorney General
4 State Bar No. 141461
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1404
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012-572**

11 **GINA M. JAMROZY**
12 **P.O. Box 313**
13 **Fairfax, CA 94978**

A C C U S A T I O N

14 **Registered Nurse License No. 602734**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about July 26, 2002, the Board of Registered Nursing issued Registered Nurse
23 License Number 602734 to Gina M. Jamrozy (Respondent). The Registered Nurse License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on April
25 30, 2012, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section **2750** of the Business and Professions Code (Code) provides, in pertinent part,
3 that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section **2764** of the Code provides, in pertinent part, that the expiration of a license
7 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
8 licensee or to render a decision imposing discipline on the license.

9 **STATUTORY PROVISIONS**

10 6. Section **2761(a)** of the Code states, in pertinent part, that the Board may take
11 disciplinary action against a certified or licensed nurse or deny an application for a certificate or
12 license based upon unprofessional conduct.

13 7. Section **2762** of the Code states, in pertinent part:

14 In addition to other acts constituting unprofessional conduct within the meaning of this
15 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the
16 following:

17 ...

18 (b) Use any controlled substance as defined in Division 10 (commencing with Section
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
20 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
21 himself or herself, any other person, or the public or to the extent that such use impairs his or her
22 ability to conduct with safety to the public the practice authorized by his or her license.

23 ...

24 **DANGEROUS DRUG/CONTROLLED SUBSTANCES**

25 8. Section **4021** of the Code states:

26 "Controlled substance" means any substance listed in Chapter 2 (commencing with Section
27 11053) of Division 10 of the Health and Safety Code.

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1 2009. In or about June, 2009, Respondent entered an intensive outpatient program in San
2 Francisco, California, to address her substance abuse issues. Respondent failed to complete the
3 program and left the program in November, 2009, to return to work at Kaiser.

4 14. On or about December 12, 2009, Respondent crashed her car while under the
5 influence of controlled substances.

6 15. On or about December 13 and 14, 2009, Respondent was again on duty as a
7 registered nurse at Kaiser. On both of those days, Respondent's co-workers observed that
8 Respondent exhibited slow/slurred speech, an inability to focus, and an apparent inability to
9 accurately make chart entries. Respondent also left medication unattended on a patient's bedside
10 table, in violation of Kaiser's policy and, at one point, forgot to admit a patient who had been
11 referred to her floor for admission. Respondent later admitted that these behaviors were the result
12 of substance abuse.

13 16. On or about January 28, 2010, Respondent entered the Board's "Maximus" diversion
14 program. Pursuant to the program requirements, Respondent was required to submit urine tests
15 and participate in treatment for substance abuse issues. Respondent was required, as a condition
16 of her participation in the Maximus program, to abstain from drug and alcohol use.

17 17. On or about March 14, 2011, Respondent submitted a urine sample which was found,
18 upon testing, to be positive for alcohol. Respondent later admitted that she had treated herself to
19 a shot of tequila for her birthday. As a result of this violation of the Maximus program,
20 Respondent was assessed to be in need of residential treatment. Because Respondent refused to
21 comply with this assessment, on March 22, 2011, Respondent was terminated from the Maximus
22 program. Pursuant to California Business and Professions Code section 2770.11, the program
23 informed the Board that Respondent is a public safety risk and/or is at risk of harming herself.

24 **FIRST CAUSE FOR DISCIPLINE**

25 (Unprofessional Conduct)

26 18. Respondent is subject to disciplinary action under sections 2761(a) and 2762(b) of the
27 Code in that she acted unprofessionally, as set forth above in paragraphs 11-17.

28 ///

1 SECOND CAUSE FOR DISCIPLINE

2 (Possession and Use of Drugs)

3 19. Respondent is subject to disciplinary action under sections 2761(a) and 2762(b) of the
4 Code in that she used controlled substances as defined in Division 10 (commencing with Section
5 11000) of the Health and Safety Code, and/or any dangerous drug or dangerous device as defined
6 in Section 4022, and/or alcoholic beverages, to an extent or in a manner dangerous or injurious to
7 herself, any other person, or the public and/or to the extent that such use impaired her ability to
8 conduct with safety to the public the practice authorized by her license, as set forth above in
9 paragraph 11-17.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number 602734, issued to Gina
14 M. Jamrozy;
- 15 2. Ordering Gina M. Jamrozy to pay the Board of Registered Nursing the reasonable
16 costs of the investigation and enforcement of this case, pursuant to Business and Professions
17 Code section 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: March 26, 2012

20 *for* Stacie Bern
21 LOUISE R. BAILEY, M.ED., RN
22 Interim Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant
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